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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/891,014	06/25/2001	Michael D. Crandall	54185USA8B.014	9951

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EXAMINER

ZIRKER, DANIEL R

ART UNIT	PAPER NUMBER
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1771

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DATE MAILED: 02/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

Applicant(s)

Examiner

Group Art Unit

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- ☒ Responsive to communication(s) filed on 12/12/02
- ☒ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 5-11, 16-20 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 5, 7, 8, 10, 11, 16-20 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement

## Application Papers

- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some\* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_ ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892 ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948 ☐ Other \_\_\_\_\_

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1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claim 5 is rejected under 35 U.S.C. 102(b) as anticipated by Coopridner et al. -617, substantially for the reasons set forth in paragraph No. 7 of Paper No. 4, together with the following additional observations. Applicants argue (Response, page 6, lines 5-9) that in view of the amendment to claim 5 of the Markush group of polymeric stabilizers makes the claim non-anticipated. However, this ignores the clear teaching of exemplary stabilizers which include certain members of the Markush grouping set forth at column 6, lines 1-11 of the reference. Additionally, the claims have been amended to set forth that the (meth)acrylamide comonomer, instead of a polar comonomer, has no dissociable proton. However, in addition to what has previously been relied upon, note particularly column 4, lines 62-64 of the reference.

3. Claims 5, 7, 8, 10 and 16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Coopridner et al. -617, taken either individually for claims 5, 7 and 16, or in view of Le Fevre for claims 8 and 10, substantially for the reasons set forth both above and in paragraph No. 9 of Paper No. 4, together with the following additional observations. As regards claim 5, note again that if the Examiner's relied upon teachings are not considered sufficient to create a holding of anticipation, the

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remaining logic of the previously set forth section No. 9 regarding obviousness is again believed to be appropriate. Applicants further argue (Response, pages 6-7) that the relied upon prior art fails to disclose a required element of claim 7, namely a chain transfer agent. However, the Examiner respectfully disagrees in the sense ~~in~~ that, as repeated from the earlier action "although the reference fails to teach the presence of a chain transfer agent . . . , such chain transfer agents are both clearly conventional additives and note that the reference teaches (column 7, lines 65-67) that various other additives can be utilized." However, in an effort to satisfy applicants' demands, note as state of the art newly cited references Japanese Patent Abstract 54003136A which teaches that the use of chain transfer agents is well known in the formation of pressure sensitive acrylic polymer adhesive compositions. Additionally, note the discussion in the Concise Encyclopedia of Polymer Science and Engineering, 1990, page 139 that chain transfer agents are used to regulate and limit the molecular weight in polymeric reactions and that they are well known in the polymer art. As such, it is believed that one of ordinary skill would have more than ample motivation to incorporate chain transfer agents into their acrylic adhesive composition.

4. Claims 11 and 17-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Delgado -567, substantially for

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the reasons set forth in paragraph 10 of Paper No. 4, together with the following additional observations. Applicants have essentially ignored the great majority of the Examiner's rationale for rejecting the claims, except for the observation (Response, page 8, top paragraph) to state that Delgado does not teach microspheres that include (meth)acrylamide monomer. However, while noting that Example 11 does not teach (meth)acrylamide, Delgado does teach a number of acrylamides (e.g., acrylamide) besides N-octyl acrylamide at column 5, lines 33-45, particularly lines 43-45 of the reference, a section which applicants appear to have overlooked and the Examiner hereby again brings it to their attention. Note also that in new claim 20 the presence of "polyacrylamide" is clearly put within the skill of the art by the relied upon section. As to newly presented dependent claims 17-19, these involve the presence of chain transfer agents and polymeric stabilizers which have been dealt with above and as such are not believed to confer patentability.

5. **THIS ACTION IS MADE FINAL.** Applicants are reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a). The practice of automatically extending the shortened statutory period an additional month upon the filing of a timely first response to a final rejection has been discontinued by the Office. See 1021 TMOG 35.

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A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Zirker whose telephone number is (703) 308-0031. The examiner can normally be reached on Monday-Thursday from 8:30 A.M. to 6:00 P.M. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris, can be reached on (703) 308-2414. The fax phone number for this Group is (703) 872-9310.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661.

Dzirker:cdc

January 29, 2003

DANIEL ZIRKER  
PRIMARY EXAMINER  
GROUP ~~1300~~  
1700

*Daniel Zinker*